

JURISDICTION:

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General Reference:

This chapter summarizes Oregon State statutes related to speed.
Oregon Revised Statutes and Oregon Administrative Rules (OAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person commits an offense if they drive a vehicle at a speed greater than is reasonable and prudent, having due regard to all of the following: The traffic; the surface and width of the highway; the hazard at intersections; weather; visibility; and, other conditions then existing.¹ §811.100(1)

Statutory Speed Limit:
See Other below.

It is *prima facie* evidence of a violation of the basic speed rule to exceed the following speed limits.
A) 65 MPH on rural interstate highways §811.105(2)(f), 811.112(1) & 811.123(1)(e)
B) 55 MPH on other highways §811.105(2)(g) & 811.123(1)(f)
C) 25 MPH in a public park §811.105(2)(d) & 811.123(1)(d)
D) 25 MPH in a residential district if the district is not located within a city or urban growth boundary that is a county with a population >100,000 and the highway is neither an arterial nor a collector highway §811.105(2)(e)
E) 25 MPH on the ocean shore §811.120(1)(b)
F) 20 MPH in a school zone² §811.105(2)(c) & 811.123(1)(c)
G) 20 MPH in a business district §811.105(2)(b) & 811.123(1)(b)
H) 15 MPH in an alley §811.105(2)(a) & 811.123(1)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above *prima facie* speed limits on the highways outside an urban area. §810.180(7)³
II. The State Department of Transportation may "supersede" the maximum statutory speed limits (§811.123) for highways in an urban area where such speed limits are not reasonable or safe. §810.180(10)

Minimum Speed Limit:

I. No person shall impede the normal and reasonable movement of traffic. §811.130
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §811.315(1)

Posted (Minimum) Speed Limit:

Basis for a Speed Law Violation: (continued)

¹The basic speed rule does not authorize speed limits in excess of the maximum speed limits. §811.108

²This speed limit only applies when "children are present" or a flashing light indicates that children may be arriving or leaving a school. §§811.105(2)(c)(A) & (B) and 811.123(1)(c)(A) & (B) "[C]hildren are present at any time and on any day when children are in a place where they are or can reasonably be expected to be visible to a person operating a motor vehicle that is passing a school ground or a school crosswalk." §811.124

³Under other provisions, the State Department of Transportation may by regulation designate a safe speed on the highways. This authority may be delegated to local governments for low volume highways or roads which are not hard surfaced. §810.180(8)

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Other: A person shall not operate certain trucks or busses at a speed >55 MPH.⁴
§811.115

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Offense are Traffic Violations. §§801.550 & 811.100 et seq.

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

None §153.018(1)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule & Exceeding the Maximum/Posted Speed Limits or Maximum Speed limits for Certain Trucks or Busses-Class A to D Traffic Violations-Varying fines from not more than \$75 to not more than \$600⁵
§§153.018(2), 811.100(3), 811.109 & 811.115

Impeding Traffic-Class D Traffic Violations-Not more than \$75 §§153.018(2) & 811.130(5)

Driving at Less Than the Normal Speed of Traffic and Not Driving in the Right Lane-Class B Traffic Violations-Not more than \$300 §§153.018(2) & 811.315(3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

A defensive driving course may be required. §809.270(1)

School & Work Zones. If the traffic violation occurred in either a school or work zone, the minimum fine before assessments is **80%** of the maximum fine established for the violation. §§153.131, 811.230 & 811.235

⁴This speed limit applies to trucks weighing ≥8,000 lbs, school bus, school activity vehicle, a worker transport bus, a bus used to transport children on a church function and a vehicle used by a non-profit organization to transport persons. §811.115

⁵I. For exceeding the maximum or posted speed limit on highways with a speed limit of <65 MPH, the following fine sanctions are imposed: 1 to 10 MPH over the speed limit (Class D Traffic Violation)-not more than \$75; 11 to 20 MPH over the speed limit (Class C Traffic Violation)-not more than \$150; 21 to 30 MPH over the speed limit (Class B Traffic Violation)-not more than \$300; and, >30 MPH over the speed limit (Class A Traffic Violation)-not more than \$600. §§153.018(2) & 811.109(1) II. For exceeding the maximum or posted speed limit on highways with a speed limit of >65 MPH, the following fine sanctions are imposed: Exceeding 65 but <75 MPH (Class C Traffic Violation)-not more than \$150; exceeding 75 MPH but <85 MPH (Class B Traffic Violation)-not more than \$300; and, exceeding 85 MPH (Class A Traffic Violation)-not more than \$600. §§153.018(2) & 811.109(2)

Safety Corridors (Repealed December 31, 2001). If the offense occurred in a safety corridor, the minimum fine before assessments is **80%** of the maximum fine established for the violation. §§153.131 & 5 of Ch. 1071 (Laws of 1999) Note: Sec. 5 of Chapter 1071 is not codified but is placed in the Oregon Revised Statutes after §811.235.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

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| Licensing Action: | |
| Type of Licensing Action (Susp/Rev): | Suspension via the Driver Improvement Program ⁶ §809.480 |
| Term of License Withdrawal (Days, Months, Years, etc.): | 30 days under Step Four of the Driver Improvement Program ⁶ |
| Mandatory Minimum Term of Withdrawal: | 30 days under Step Four of the Driver Improvement Program ⁶ |
| Miscellaneous Sanctions Not Included Elsewhere: | There is also a Unitary Assessment of \$35 and a County Assessment of between \$5 and \$59. §§137.290(1)(d) & 137.309 |

Other Criminal Actions Related to Speeding:

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| <u>Speed Racing on Highway:</u> | Class A Traffic Violation §§801.550 and 811.125(1) & (2) |
| Sanctions: | |
| Criminal Sanction: | |
| Imprisonment (Term): | None §153.018(1) |
| Mandatory Minimum Term: | |
| Fine (\$ Range): | Not more than \$600 §153.018(2) |
| Mandatory Minimum Fine: | None |
| Administrative Licensing Action: | |
| Licensing Authorized and Type of Action: | Suspension via the Driver Improvement Program ⁶ |
| Length of Term of | |

⁶**Driver Improvement Program.** Step One: An offender is mailed an "advisory letter" if they commit 2 traffic offenses within 12 months. This letter informs the offender of their driving problems. Step Two: If (1) an offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the advisory letter or (2) they have committed 3 traffic offenses within 18 months, they are mailed a "warning letter." This letter notifies the offender of the possible consequences if they are convicted of any more traffic offenses. Step Three: If (1) offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the warning letter or (2) they have committed 4 traffic offenses within 18 months, they are subject to a driver improvement interview. During this interview, the licensing agency proscribes a program for driver improvement, places the offender on probation for 1 year and place restrictions on the offender's driving privileges. Step Four: If an offender commits a traffic offense during the 1 year probationary period, they are subject to a 30 day suspension. Note: This suspension appears to be mandatory. OAR 735-72-000 et seq.

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| Licensing Withdrawal: | 30 days under Step Four of the Driver Improvement Program ⁶ |
| Mandatory Action--Minimum Length of License Withdrawal: | 30 days under Step Four of the Driver Improvement Program ⁶ |
| Other: | I. An offender may be required to complete a defensive driving course. §809.270(1) II. See School & Work Zones on page 204. III. There is also a Unitary Assessment of \$35 and a County Assessment of between \$5 and \$59. §§137.290(1)(d) & 137.309 |
| <u>Other Criminal Actions Related to Speeding:</u> (continued) | |
| <u>Reckless Driving</u> ⁷ : | Class A Misdemeanor §811.140(1) & (3) |
| Sanction: | |
| Criminal: | |
| Imprisonment (Term): | Not more than 1 year §161.615(1) |
| Mandatory Minimum Term of Imprisonment: | None |
| Fine (\$ Range): | Not more than \$5,000 §161.635(1)(a) |
| Mandatory Minimum Fine: | None |
| Administrative Licensing Actions: | |
| Type of Licensing Action (Susp/Rev): | Suspension §809.410(6) |
| Length of Term of License Withdrawal Action: | <u>1st offense-90 days</u> <u>2nd offense</u> (within 5 years)- 1 year <u>Subsequent offense</u> (within 5 years)- 3 years §809.420(1) |
| Mandatory Term of License Withdrawal Action: | <u>1st offense-90 days</u> <u>2nd offense</u> (within 5 years)- 1 year <u>Subsequent offense</u> (within 5 years)- 3 years §§809.410(6) & 809.420(1) |
| Other: | I. An offender may be required to complete a defensive driving course. §809.270(1) II. Incarceration & Medical Costs. A city or county may seek reimbursement from an offender for the costs of medical care and incarceration. §§169.150 & 169.151 III. School & Work Zones. If the offense occurred in either a school or work zone, the minimum fine is 20% of the maximum fine for the offense. §§811.230 & 211.235 IV. Safety Corridors (Repealed December 31, 2001). If the offense occurred in a safety corridor, there is a minimum mandatory fine which is |

⁷The same sanctions, criminal and administrative, that apply for "reckless driving" also apply to the offense of "reckless endangerment of highway workers." This offense consists of driving a motor vehicle in a "work zone in such a manner as to endanger persons or property." §§809.410(36) & 811.231

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equal to **20%** of the maximum fine for the offense. §5 of Ch. 1071 (Laws of 1999) Note: This provision is not codified but is placed in the Oregon Revised Statutes after §811.235.

V. There is also a **Unitary Assessment** of \$65 and a **County Assessment** of between \$5 and \$59. §§137.290(1)(b) & 137.309

Careless Driving⁸:

Sanction:

Criminal:

Imprisonment (Term):

Class B Traffic Violation⁹ §§801.550 and 811.135(1) & (2)

None §153.018(1)

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Not more than **\$300** §153.018(2)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension via the Driver Improvement Program⁶

30 days under Step Four of the Driver Improvement Program⁶

30 days under Step Four of the Driver Improvement Program⁶

Other:

I. An offender may be required to complete a defensive driving course. §809.270(1)

II. See **School & Work Zones** on page 204.

III. There is also a **Unitary Assessment** of \$35 and a **County Assessment** of between \$5 and \$59. §§137.290(1)(d) & 137.309

⁸A persons commits this offense if they operate a vehicle "in a manner that endangers or would be likely to endanger any person or property." §811.135(1)

⁹If the offense contributed to an accident, it is a Class A Traffic Violation. §§801.550 & 811.135(2) The sanction for this offense is a fine of not more than \$600. §153.018(1) & (2)

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Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Suspension:

A person's CDL is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §809.410(29) & (30)

Period of Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §809.410(29) & (30)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §809.410(29) & (30)

¹⁰ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials. §801.208

¹¹ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §801.477

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